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Counsel for ROBERT JACOBSEN

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
ROBERT JACOBSEN,  
  
Defendant.

CR-15-518 MMC

**DEFENDANT ROBERT JACOBSEN  
OBJECTIONS TO MOTION TO  
REVOKE**

Date: August 17, 2018  
Time: 9:30 a.m.

Hon. Jacqueline Scott Corley

**I. Facts**

The government has filed, on two day notice, and less than one week before a contested sentencing before Judge Chesney, a motion to revoke bail based on a fraud for attempting to rent property that Mr. Jacobsen currently owns. What the government does not explain, in any way, is why it is a violation of Mr. Jacobsen's release condition for him to attempt to rent property he owns. That is, the release conditions require his to "inform Pretrial Services of the circumstances and details of land transactions prior to commencing such activity." No "land transactions" have occurred. If the government objected to Mr. Jacobsen renting property, all it had to do was so say, instead of bringing this premature motion.

In fact, Mr. Jacobsen has just begun the process to find tenants, knowing he will likely be sentenced to prison soon. To have the property lie fallow, for no reason, makes little sense.

1           The government recites a litany of bad acts, and then concedes the point. For example, the  
2 government lists Mr. Jacobsen running from agents at the time of his arrest in glorious detail, and then  
3 failed to mention that Mr. Jacobsen hired an attorney to find out what he was wanted for, and then he  
4 drove across the country to turn himself in. The best the government can say is the Mr. Jacobsen  
5 “eventually turned himself in [to San Francisco authorities] on December 21, 2015”. That was about  
6 one month after his being aware he was wanted.

7           The government then goes into detail about the pretrial release conditions, including that  
8 Mr. Jacobsen “inform Pretrial Services of the circumstances and details of any current land deals or  
9 transactions . . .” and that Pretrial Services “review and approve any transactions involving property.”

10           First, the government concedes that Mr. Jacobsen has been under Pretrial Release for *three*  
11 *years without any incidents*. Second, it is arguable whether or not any transactions have even taken place,  
12 or if Mr. Jacobsen even had an obligation to inform Pretrial Services, since no leases ever occurred. He  
13 was simply trying to rent property he owns. Once he had tenants who were interested, he would have  
14 notified Pretrial Services. With no leases, there are arguably no transactions to approve. Whatever the  
15 government is trying to prove, all its done is prove it is so anxious to punish Mr. Jacobsen, it will use  
16 all its powers to get him.

#### 17           **A.     The Dangerous Fraud**

18           The government is claiming, apparently, that the public is in danger because Mr. Jacobsen  
19 encouraged his proposed tenants to violate the neighborhood housing regulations, which apparently  
20 allow renting to a “family”, but not individual tenants. While the government’s overwhelming interest  
21 in protecting the moral virtues of a gated community deserves admiration, it is ludicrous to claim this  
22 is some kind of “economic danger” to the community. How does renting to non-family members  
23 “endanger” the homeowners association? Perhaps the privileged members of the gated community  
24 would be offended to have to live next to strangers – unmarried at that!– living in the same house  
25 together. While this may be a moral burden to more delicate souls, it stretches the imagination to believe  
26 this is truly some “economic danger” or evidence of crime.

Moreover, there was no fraud to the tenants. They were given disclosure agreements laying out the details of their rental situation and the Notice of Foreclosure. Nothing was hidden. *See*, Ex. A (Disclosure Agreement for proposed tenants).

## II. Conclusion

Needless to say, there is very little due process in getting one day to respond to an allegation of fraud. Here, there was no fraud, unless, of course, you are upset that unmarried people are allowed to frolic together in a single family house in violation of the rules of decency set by the neighborhood association. It is simply absurd to claim that Mr. Jacobsen cannot rent property he owns or controls. If the government wants to object once he has a tenant who is interested, or even before, all they had to do was call undersigned counsel and an agreement about what to do with the house, its rental, and its eventual sale could have been easily reached. Instead, he is accused of mail fraud, wire fraud, and California property fraud for encouraging proposed tenants to not let the homeowners association know they were not a single family.

Sentencing is in less than week. Much work needs to be done to prepare Mr. Jacobsen for the hearing. To interfere with those rights based on this flimsy evidence of “economic danger” seems more than a bit heavy handed.

The Court should admonish Mr. Jacobsen not to do anything with the property and order the parties to come up with a plan to rent the property, deal with the notice of default, and negotiate the ultimate sale in order to get money to fund restitution. The defense will be happy to do so.

HALLINAN & WINE

DATED: August 16, 2018

/s/ Kenneth H. Wine, Esq  
Kenneth H. Wine  
Attorney for Defendant  
Robert Jacobsen